

### REMARKS

Claims 24 and 30-42 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 24 and 30-42 stand rejected as failing to comply with the written description requirement on account of the specification supposedly failing to provide, as the Examiner puts it, "exact antecedent language" for the subject matter of lines 11-18 of claim 24. The Examiner also relies on this standard in the Advisory Action when he states "[w]here in the original disclosure is this *exact language* recited?" (emphasis added). This rejection is incorrect because it relies on a mischaracterization of the written description requirement. No statute, judicial opinion, or administrative ruling supports the notion that under the written description requirement the specification must support the language in a claim with "exact antecedent language." Rather, the correct standard is, as the MPEP puts it, "whether the disclosure of the application relied upon 'reasonably conveys to the artisan that the inventor had possession at that time [of filing] of the later claimed subject matter.'" MPEP § 2163.02 (insertion added) (citation to case law omitted). Indeed, the MPEP specifically rejects the Examiner's unduly exacting standard by stating that the "subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement." *Id.*

By using the wrong standard, the Examiner has failed to meet his burden of establishing a violation of the written description requirement. Accordingly, withdrawal of the rejection is requested.

It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,

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